

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayats - Gurramguda Gram Panchayat, Saroornagar Mandal, Ranga Reddy District
Smt J. Swapna Sudhakar Reddy, Sarpanch (removed) - Under Section 249(1) of APPR Act
1994 and recovery of misappropriated amount under section 265(1) orders issued by the
District Collector(PW) Rangareddy District - Apple Petition filed by her before the
Government - Allowed - Orders - Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.RT.NO. 71

DATED :15-01-2009
READ THE FOLLOWING:-

- 1.From the District Collector(PW) Rangareddy District Proceedings
No.B2/1392/2007, dt.17.1.2008
- 2.From Smt J. Swapna Sudhakar Reddy, Sarpanch (removed),Gurramguda
Gram Panchayat, Saroornagar Mandal, Rangareddy District, dt 9-02-08
- 3.Govt.Telegram No.3901/Ptrs.II/A2/2008, dt.15.2.2008.
- 4.From the District Collector (PW), Ranga Reddy District Letter No. B2/ 1392/2007,
dt 18-02-08.
- 5.Govt.Telegram No.3901/Ptrs.II/A2/2008-2, dt.26.2.2008.
- 6.From the District Collector (PW), Ranga Reddy DistLetter No.B2/ 1392/2007,
dt 29-02-08.
- 7.From the Assistant Registrar, High Court of AP W.P.No.9942 of 2008
dt.17.6.2008.
- 8.From the District Collector (PW), Ranga Reddy DistLetter No.B2/ 1392/2007,
dt 05-08-08.
9. Govt.Telegram No.3901/Ptrs.II/A2/2008, dt.01.10.2008.
- 10.From the District Panchayat Officer, Letter No. B2/ 1392/2007,dt.01-12-08.

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ORDER:-

In the reference 1st read above, the District Collector (PW), Rangareddy District has removed Smt J. Swapna Sudhakar Reddy, Sarpanch, Gurramguda Gram Panchayat, Saroornagar Mandal, Rangareddy District under section 249(1) of A.P.P.R. Act, 1994 for misappropriation of Gram Panchayat Funds and issued orders under section 265(1) for recovery of the misappropriated amount.

2. Aggrieved by the above said orders, in the reference 2nd read above, Smt J. Swapna Sudhakar Reddy, Sarpanch (removed), Gurramguda Gram Panchayat, Saroornagar Mandal, Rangareddy District has filed an Appeal petition before the Government and prayed to allow the appeal by setting aside the impugned proceedings No.B2/1392/2007, dt.17.1.2008 passed by the District Collector(PW) Rangareddy District and permitting her to continue as Sarpanch, as the appellant utilized the funds of the Gram Panchayat whenever required for development of the Gram Panchayat only.

3. In the reference 3rd read above, the District Collector(PW) Rangareddy District was requested to attend the hearing alongwith his report. In the reference 4th, 6th & 8th read above, the District Collector(PW) Rangareddy District and in the reference 10th read above the District Panchayat Officer, Rangareddy District has informed that on receipt of certain complaints from certain members of Gram Panchayat against Smt J. Swapna Sudhakar Reddy, Sarpanch (removed), Gurramguda Gram Panchayat, Saroornagar Mandal, Rangareddy District, the District Collector (PW), Rangareddy District has appointed Divisional Panchayat Officer, Saroornagar as Enquiry Officer for conducting enquiry into the allegations leveled against the Sarpanch.

(P.T.O.)

4. Based on the enquiry report, the District Collector(PW), Rangareddy District has issued a show cause notice to Smt. J.Swapna Sudhakar Reddy as to why she should not be suspended from the Office of the Sarpanch, Gram Panchayat Gurramguda for non production of the records to the enquiry officer and the following charges have been framed:-

CHARGE: 1

That the Sarpanch, Gurramguda Gram Panchayat has drawn an amount of Rs.86,500/- under the Gram Panchayat funds and failed to produce bills and records at the time of enquiry. She has misused the funds, willfully and caused loss to Gram Panchayat.

CHARGE: 2

The Sarpanch, Gurramguda Gram Panchayat has drawn an amount of Rs. 1,53,880/- under Gram Panchayat funds and failed to produce the connected records and not followed the rules and procedures. Therefore she has misused the funds and caused loss to Gram Panchayat.

CHARGE: 3

The Sarpanch, Gurramguda Gram Panchayat has drawn an amount of Rs.2,11,320/- under Gram Panchayat funds and failed to produce the connected records to enquiry officer. Therefore she has misused the funds and loss caused to Gram Panchayat willfully.

5. The Sarpanch has submitted her explanation and the District Collector (PW), Rangareddy District has again referred the explanation furnished by the Sarpanch to the Divisional Panchayat Officer, Saroornagar for his remarks. Based on the report submitted by the Divisional Panchayat Officer, the Collector(PW), Rangareddy District has concluded that the following amounts have been misappropriated by the Sarpanch.

Charge:I

1.Payment of uniform charges	Rs.14,400/-	No permission
2. Leveling of village roads	Rs.38,000/-	No permission and no entry in M.B book
3. Leveling of village roads	Rs.21,500/-	No permission and no entry in M.B book
Total	Rs.73,900/-	

Charge:II

1. Pipe line works	Rs.6,300/-	The Sarpanch has not deducted 4% Vat and 2.3% IT and the amount of 6,300/- can be recovered from the Sarpanch.
2. Purchase of PWS related items	Rs.24,580/-	Tenders has not been called by the Sarpanch which is against rules.
3. Purchase of electrical goods	Rs.29,300/-	Bills are not available and no entry in Cash book
Total misappropriated amount as recommended by the Collector Under Charge II	Rs.53,880/-	

(P.T.O.)

Charge.III

Amount drawn by the Sarpanch	Rs.2,11,320/-	Vouchers and bills have not been produced by the Sarpanch
Total Misappropriated amount	Rs.2,11,320/-	

The District Collector (PW), Rangareddy District has concluded that Smt J. Swapna Sudhakar Reddy, Sarpanch, Gurramguda Gram Panchayat, Saroornagar Mandal, Rangareddy District has misappropriated an amount of Rs.3,39,100/- and therefore she has been removed from the post of Sarpanch and also ordered for recovery of the said amount under R.R.Act. vide his proceeding No.B2/1392/2007, dt.17.1.2008. Against the aforesaid orders Smt J. Swapna Sudhakar Reddy has filed an appeal petition inter alia contending that she has not indulged herself in misappropriation of Gram Panchayat Funds and whatever the amount she has drawn, the same were spent for the developmental activities. All the records were with the Panchayat Secretary and that the explanation submitted by her was not properly considered by the District Collector and if the records were called for from the Panchayat Secretary and the same is verified, the truth will come out. She has further contended that she was not provided with reasonable opportunity after making available the records. She has therefore requested to set-aside the proceedings of the District Collector, Rangareddy District.

6. During the hearing held on 29.2.2008 the Minister(PR) has instructed the Divisional Panchayat Officer(East) to conduct a detailed enquiry after recalling the then Panchayat Secretaries and submit his report including on certain additional allegations levelled against the removed Sarpanch, wherein it was alleged that the Petitioner has granted building permissions indiscriminately.

7. The District Collector has reported that in Gram Panchayat at Survery No.141/2 permission was accorded to construct the buildings and the land divided into four plots and the then Panchayat Secretary has got approval of the Sarpanch for construction of the buildings. As per the rules and regulations of HUDA, the Sarpanch is not competent to give permission to construct the buildings. The District Collector(PW), has informed that Ex-Sarpanch has given permission to construct the building beside the Nagarjuna Sagar Road. Because of the then Panchayat Secretaries the illegal permission has been given to construct the building. But, the Sarpanch(removed) is not concerned. It has also been reported that in Survey No.145/2, the construction of the College of Engineering Building was started without any Gram Panchayat record. The District Panchayat Officers already issued notices to Divisional Panchayat Officer's and Panchayat Secretaries, but they have not taken any action. Because of the inaction on the part of Panchayat Secretary the College Building was constructed illegally. In this regard removed Sarpanch is not concerned. It was reported that Gram Panchayat Secretaries have not taken any appropriate action in this regard.

8. The District Collector has reported that Ex-Sarpanch and the then Panchayat Secretary has given permission illegally to construct G+2 and G+3 building constructions. The Sarpanch(Removed) is not concerned. It is also reported that it was alleged that the Sarpanch has constructed own house with 60" R&B Road site without any permission and to encroach the Road and Plot. Were as the District Collector has reposted that it is not correct it belongs to the relatives of the Sarpanch. The construction of the building is set back to the R&B Road. They have not taken permission from the Gram Panchayat. The Sarpanch (Removed) is not concerned. After detailed enquiry, the District Collector (PW), in his letter dt.5.8.2008

(P.T.O.)

has informed that out of (7) Charges (4) Charges are not proved against the Sarpanch and remaining charges, the District Collector (PW), Rangareddy District has informed that they pertain to misappropriation of the Gram Panchayat funds to the tune of Rs.3,39,100/- (73,900+53,000 +2,11,320).

9. The case was posted for hearing on 13.10.2008. The petitioner appeared and pleaded that she was under depression as her husband fell sick and passed away, that the then Panchayat Secretary has misled her and given Building permissions without bringing the provisions of law to her notice, that whatever the amounts drawn by her the same were spent for the developmental works. She has further contended that she is not aware of the procedures and rules in spending the funds of Gram Panchayat. She has, therefore, requested that she will remit the amount which were alleged to have been misappropriated by her and she may be reinstated as Sarpanch and the amounts now remitted by her may be returned after thorough verification of vouchers and Bills for the said amounts by the authorities if the said voucher and Bills are accepted by them.

10. Government have perused the records and reports. It is on record that out of 7 charges framed against the petitioner only 4 charges are held proved in the enquiry conducted by the authorities it is also on record that the petitioner is not concerned with the alleged Building permission granted by Gram Panchayat and it is the Ex-Sarpanch and Panchayat Secretary who were held responsible by the District Collector(PW) Rangareddy District for the grant of Building permission. The amounts alleged to have been misappropriated by the petitioner have since been remitted to Gram Panchayat Funds as reported by the District Panchayat Officer in her letter No.B2/1392/2008, dt.1.12.2008. The petitioner has pleaded that as she was under depression due to ill health of her husband who has subsequently passed away, she could not be able to concentrate and the Panchayat Secretary has misled her. The report of the District Collector(PW) has also disclosed that the then Panchayat Secretary and Ex-Sarpanch were responsible for grant of Building permissions. Taking the totality of the circumstances into consideration, Government have inclined to allow the revision petition and set-aside the orders of the District Collector(PW), Rangareddy District, as the amount alleged to have been misappropriated has been made good to Gram Panchayat Funds and the District Collector(PW), has reported that the petitioner is not responsible for the irregular Building Permission granted by the Ex-Sarpanch and the then Panchayat Secretaries.

11. The District Collector(PW) Rangareddy District is hereby directed to initiate action against the then Panchayat Secretary who was held responsible for grant of indiscriminate Building permissions.

12. The District Collector(PW) Rangareddy District is requested to take necessary follow up action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To

The District Collector(PW), Ranga Reddy District, Hyderabad.

The District Panchayat Officer, Ranga Reddy District, Hyderabad

The Commissioner of Panchayat Raj (PR&RE), Andhra Pradesh, Hyderabad

Smt. J. Swapana Sudhakar Reddy, Sarpanch (Removed), Gurramguda Gram Panchayat, Saroornagar Mandal, Ranga Reddy District.

P.S. to Minister (PR)

P.S. to Secretary to Government(PR)

Deputy Secretary to Government(Pts.)

SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER.